



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider a request from Dale Gillespie to amend a Development Agreement between the City of Lodi and GFLIP III, L.P. by allowing the location of an electronic display sign to be changed to 930 South Beckman Road.

MEETING DATE: July 6, 2005

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council consider approval of an amendment to Development Agreement 04-01 as outlined herein.

BACKGROUND INFORMATION: On November 17, 2004, the City Council approved a Development Agreement for an electronic display sign as proposed by the Geweke Automotive Group. Specifically, a 75-foot-tall sign with 480 square feet of electronic display per face. In consideration for allowing this sign, the applicant has agreed to a number of things that the City would typically not be able to require. Among those items is the removal of the existing Toyota dealership freeway sign; the exclusion of any further freeway signs on other property owned by the Geweke family and the use of ten percent of the display time for community based organizations and events. The Development Agreement has been signed by the City of Lodi and representatives of GFLIP III, L.P. The designated location for the sign was 1251 South Beckman Road.

The applicants are requesting that the Development Agreement be amended to designate a new location, 930 South Beckman Road. The new location is currently a portion of the Pixley basin/park. The City and the applicants are working on a land exchange that will place the property in Geweke ownership some time in the future. Construction of the sign on City property will require a Structural Encroachment Permit issued by the Public Works Department.

The Planning Commission considered the request at their meeting on May 25, 2005. The Commission recommended approval of the amended agreement to allow the sign to be located at 930 South Beckman Road with the condition that the sign not be installed until the property closes escrow and is owned by the Geweke Family.


Subsequent to the approval of that condition by the Planning Commission, we have learned that the land exchange is not likely to be completed for another 18 to 24 months. Therefore, it is being recommended that the applicant enter into a land-lease agreement with the City of Lodi to allow placement of the sign on City-owned property prior to the completion of the land exchange.

APPROVED: 
Blair King, City Manager

The amount of \$898/month is what was arrived at for a rate of compensation to the City as part of that land lease agreement, and is based upon the average of rates received by the City through lease agreements with wireless providers and others who have located their equipment upon City-owned property. An annual escalator of 3.5% is also recommended for the land-lease agreement, as that is the average of the escalators for the other agreements held by the City.

FISCAL IMPACT: \$10,776 of additional revenue will be generated to the General Fund through a monthly land-lease agreement until such time that the land exchange is completed.

FUNDING AVAILABLE: Not Applicable



Joseph Wood
Acting-Community Development Director

Attachments: Planning Commission Memo and Resolution

cc: City Attorney
Public Works Director
Planning Commission
Dale Gillespie



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission

From: David Morimoto, Senior Planner

Date: May 25, 2005

Subject: The request of Dale Gillespie on behalf of Geweke Family Partnership (GFLIP) to amend an existing Development Agreement for a new electronic display sign on Beckman Road by allowing new location for the proposed sign.

SUMMARY

The applicant is requesting approval to change the location for an electronic display sign that is proposed for South Beckman Road. The electronic display sign will be a double-sided sign with 480 square feet of sign area on each side and will be 75 feet in height. Under an existing Development Agreement between the applicant and the City of Lodi, the sign was to be located at 1251 South Beckman Road, on the site of the Geweke Dodge dealership. The applicant would like to move the location of the sign north several blocks to 930 South Beckman Road. The property is at the corner of Vine Street and Beckman Road, just north of Geweke Toyota. The proposed sign will be located in what is now a City-owned basin/park that partially fronts on Beckman Road. There is a pending land swap between the City of Lodi and Geweke that will exchange the portion of the City property located on Beckman Road with property Geweke owns southeast of the Toyota dealership. Following the completion of the land exchange, the proposed site of the new sign will then be owned by Geweke. Until the exchange takes place, the applicant will need a structural encroachment permit from the Public Works Department.

ANALYSIS

Early in 2004, Key Advertising, representing the GFLIP, made a Use Permit and Variance application to the Planning Commission for a sign to be located at 1251 South Beckman Road. The Use Permit was for a 75-foot-tall electronic display sign and the Variance was to increase the allowable sign area from 480 square feet to 960 square feet. At the meeting of February 11, 2004, the Planning Commission denied both requests. The denial was appealed to the City Council. At the City Council meeting on April 21, 2004, the Council determined that instead of a Use Permit and Variance, it would be more appropriate to handle the sign under a Development Agreement between the City and the applicant. This would allow all issues and conditions to be clearly spelled out in a legal document that would be binding on both parties. It would also deal with issues that were unique to this particular sign and would not establish precedence for future electronic sign requests. The City Council felt that there would be benefits for the City in allowing the proposed sign in exchange for the removal of an existing freeway sign and a limitation on future signs on Geweke properties within the area covered by the Development Agreement.

A Development Agreement was subsequently written and agreed to by both parties. The Development Agreement allows a 75-foot-tall sign with 480 square feet of electronic display per face. In consideration for the sign, the applicant has agreed to a number of conditions. Among those conditions are the removal of the existing Geweke Toyota freeway sign; the exclusion of any further freeway signs on property owned by the Geweke family and the use of ten-percent of the display time for community based organizations and events.

The Development Agreement specified that the sign was to be located on the property at 1251 South Beckman Road. This property contains the Geweke Dodge Chrysler dealership. Following the signing of the Development Agreement, Geweke decided that they would prefer a different location. The new sign location is approximately 1000 feet to the north of the original location on land at the corner of South Beckman Road and East Vine Street. The subject property is currently a storm drainage basin/park owned by the City of Lodi. The City and GFLIP are in negotiations to trade properties at this location. GFLIP will acquire the portion of the basin that fronts on Beckman Road and the City of Lodi will acquire a piece of land owned by GFLIP located south of the remaining portion of the basin/park site. Once the exchange is completed, the sign location will be owned by GFLIP. GFLIP is requesting that the Development Agreement be amended to reflect the new sign location at 930 South Beckman Road. The Development Agreement will stipulate that the GFLIP will have to obtain a Structural Encroachment Permit from the City to allow placement of the sign on public property. If GFLIP becomes the owner of the property, the Structural Encroachment Permit will no longer be required.

RECOMMENDATION

Staff finds that this is a reasonable request and recommends approval of the request of Dale Gillespie on behalf of GFLIP to amend the Development Agreement for an electronic display sign to allow a change in location to 930 South Beckman Road subject to the conditions outlined in the attached resolution.

Respectfully submitted,

Reviewed and Concur,

David Morimoto
Senior Planner

Jerry Herzick
Building Official

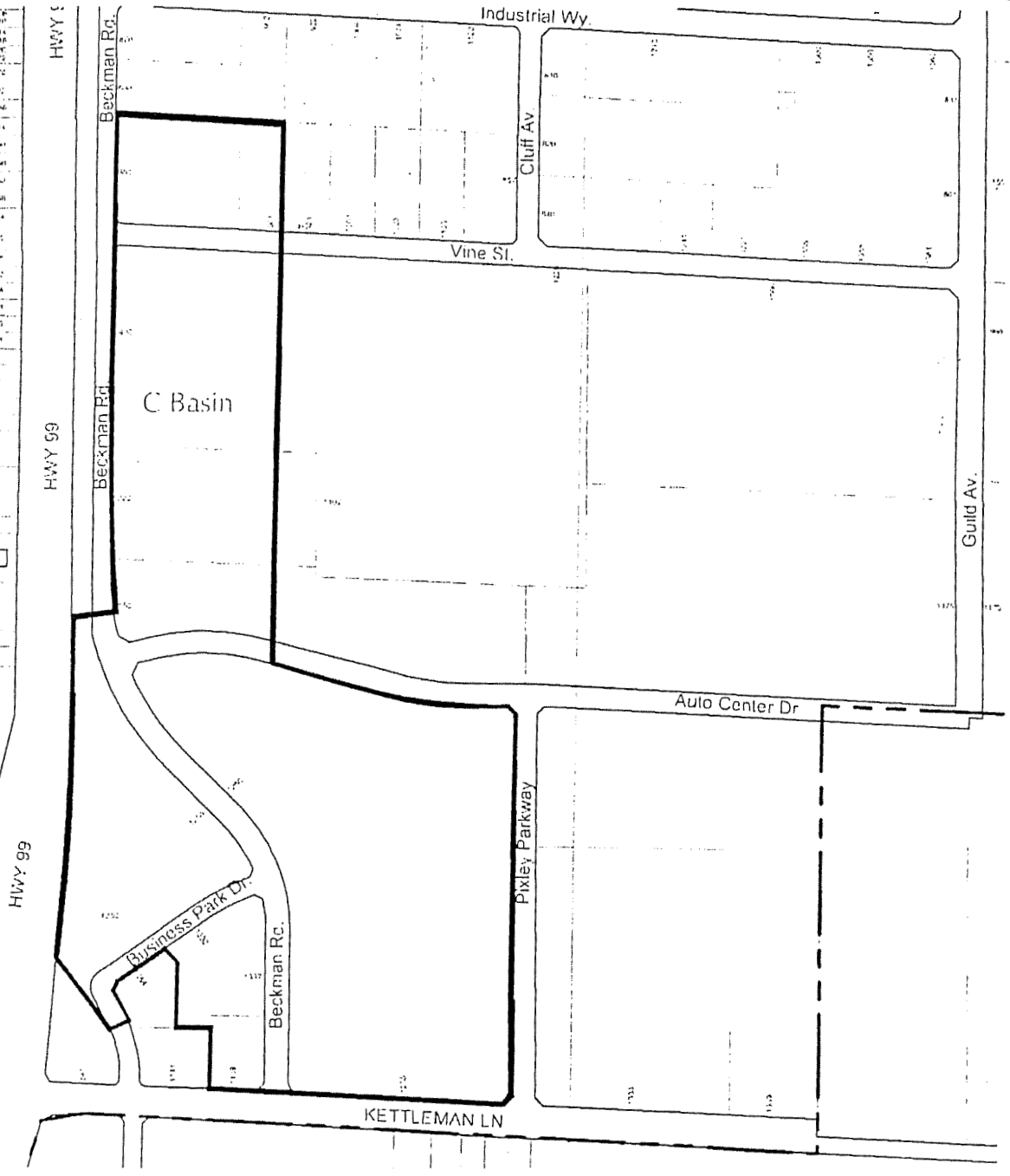


EXHIBIT "B"

Key Advertising, Inc.
Electronic Message Sign

RESOLUTION NO. P.C. 05-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT AMENDMENT FOR AN
ELECTRONIC DISPLAY SIGN FOR THE GEWEKE FAMILY LIMITED PARTNERSHIP(GFLIP)**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Development Agreement Amendment, in accordance with the Lodi Municipal Code, and

WHEREAS, the project proponent is Dale Gillespie on behalf of the Geweke Family Limited Partnership (GFLIP); and

WHEREAS, the applicant is requesting approval to amend a Development Agreement for an electronic display sign; and

WHEREAS, the Development Agreement specifies the location for the sign to be 1251 South Beckman Road and the applicant is requesting a change in location to 930 South Beckman Road; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the property at the new location is zoned Public; and

WHEREAS, the property is located at 930 South Beckman Road; and

WHEREAS, all other conditions of the Development Agreement except for the location will remain unchanged.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

1. A Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and it was determined that the project will not have any significant environmental effects.
2. The Planning Commission hereby recommends approval of the request, subject to the following conditions:
 - A) That the Development Agreement be amended to reflect the new sign location at 930 South Beckman Road.
 - B) That the sign is constructed at this location only after the property at 930 South Beckman Road closes escrow and GFLIP becomes the legal owner of the property.

Dated: May 25, 2005

I hereby certify that Resolution 05-17 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on May 25, 2005, by the following vote:

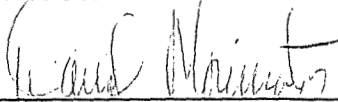
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| AYES: | Commissioners: | Heinitz, Moran, Phillips, White and Chairman Haugen. |
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| NOES: | Commissioners: |
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| ABSENT | Commissioners: | Aguirre |
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| ABSTAIN: | Commissioners: | Mattheis |
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ATTEST:



David Morimoto
Senior Planner